

THE MINISTRY OF PLANNING AND INVESTMENT

Circular No. 09/2011/TT-BKHDT of September 7, 2011, detailing the making of requirement dossiers for consultancy contractor appointment

Pursuant to November 29, 2005 Bidding Law No. 61/2005/QH11; Pursuant to June 19, 2009 Law No. 38/2009/QH12 Amending and Supplementing a Number of Articles of the Laws Concerning Capital Construction Investment;

Pursuant to the Government's Decree No. 85/2009/ND-CP of October 15, 2009, guiding the Bidding Law and the selection of construction contractors under the Construction Law;

Pursuant to the Government's Decree No. 116/2008/ND-CP of November 14, 2008, defining the functions, tasks, powers and organizational structure of the Ministry of Planning and Investment, The Ministry of Planning and Investment details the making of requirement dossiers for contractor appointment for selecting institutional consultancy contractors as follows:

Article 1. Scope of regulation and subjects of application 1. This Circular governs consultancy bidding packages specified in Clause 1, Article 20 of the Bidding Law, Clause 4, Article 2 of the Law Amending and Supplementing a Number of Articles of the Laws Concerning Capital Construction Investment, and Clauses 1 and 2, Article 40 of the Government's Decree No. 85/2009/ND-CP of October 15, 2009, guiding the Bidding Law and the selection of construction contractors under the Construction Law.

Consultancy bidding packages of a value of up to VND 500 million are not subject to this Circular.

2. Subject to this Circular are organizations and individuals responsible for making requirement dossiers for contractor appointment for consultancy bidding packages within the scope of regulation specified in Clause 1 above when the method of contractor appointment is applied to select institutional consultancy contractors.

3. For consultancy bidding packages of ODA-funded projects, if donors' approval is obtained, the form of requirement dossiers for consultancy contractor appointment (provided in the Appendix to this Circular, not printed herein) may be applied or amended or supplemented according to bidding regulations in treaties to which the Socialist Republic of Vietnam is a contracting party or international agreements which competent agencies or organizations of the Socialist Republic of Vietnam have signed.

Article 2. The form of dossiers of requirements for consultancy contractor appointment

The form of requirement dossiers for consultancy contractor appointment has the following basic contents:

Part 1. Instructions for contractors

Chapter I. Requirements on contractor appointment Chapter II. Criteria for technical evaluation of proposal dossiers Chapter III. Forms

Chapter IV. Terms of reference Part 2. Requirements on contract Chapter V. Conditions of contract Chapter VI. Form of contract

When applying this form, makers of requirement dossiers for contractor appointment shall base themselves on the size and characteristics of each bidding package to set forth requirements on the basis of adhering to the principles of transparency and economic efficiency.

In this form, words in italic are of instructive and illustrative nature and will be concretized by dossier makers depending on the size and characteristics of each bidding package. If making amendments or supplementation to contents not in italic of this form, makers of requirement dossiers for contractor appointment must comply with bidding regulations and investors are held before law for amended and supplemented contents.

Article 3. Organization of implementation 1. This Circular takes effect on November 1, 2011.

2. Ministries, ministerial-level agencies, government-attached agencies, other central agencies, People's Committees at all levels, and related organizations and individuals shall implement this Circular. Ministries, ministerial-level agencies, government-attached agencies, other central agencies, and provincial-level People's Committees shall, within the scope of their management, detail some contents of this Circular (when necessary) in compliance with this Circular and the bidding laws.

3. Any problems arising in the course of implementation should be reported to the Ministry of Planning and Investment for prompt consideration and settlement.

Minister of Planning and Investment
BUI QUANG VINH